

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**ANDREA CANTRELL,
As parent/guardian, and next
Friend of SADIE CANTRELL,
a minor child,**

Plaintiff,

v.

CIV 11-0044 LAM/DJS

MARIANNE K. ALBASI,

Defendant.

ORDER QUASHING ORDER TO SHOW CAUSE

THIS MATTER is before the Court on its *Order to Show Cause* (Doc. 6), entered May 18, 2011, in which the Court ordered Plaintiff to either effect service on Defendant or provide the Court with a written explanation showing good cause why service has not been made. On May 24, 2011, Plaintiff filed her *Response to Order to Show Cause* (Doc. 9), stating that, when the case was filed, she attempted to serve Defendant by mail at her last known address, but no response was received and “an indication was received from the post office that Defendant had departed the address and had [left] no forwarding address.” Doc. 9 at 1. Plaintiff states that she hired a private detective to search for Defendant in the city of her last known address in New Jersey, and this detective found an address for Defendant, but when a process server attempted to serve Defendant at that address, the process server was told that Defendant had moved two weeks prior, leaving no forwarding address. Doc. 9 at 2, *see also* Doc. 8. Plaintiff also states that she hired a private process server to serve Defendant at two different addresses and cities where she resided in New Jersey, but the process server was unable to find Defendant at either location. Doc. 9 at 1-2, *see also* Doc. 7.

In addition, Plaintiff states that she has attempted to obtain a current address for Defendant through an internet search and by contacting Defendant's insurance company, but was not successful in either of these attempts. *Doc. 9* at 2. Plaintiff states that she is continuing to attempt to serve Defendant and describes steps she has taken to effectuate service by several methods, and she anticipates that "4-6 weeks might easily elapse before all methods of constructive/personal service may be tested." *Id.* at 5.

The Court finds that this response is an adequate and shows good cause why service hasnot yet been made on Defendant. Therefore, the Court will quash its Order to Show Cause. The Court will enter a separate order setting forth a deadline by which Plaintiff must effect service on Defendant.

IT IS THEREFORE ORDERED that the Court's *Order to Show Cause* (*Doc. 6*), is hereby **QUASHED**.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE